
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

OMAR WADLEY,

Petitioner,

versus

MARK MARTIN,

Respondent.

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CIVIL ACTION NO. 1:11-CV-535

**MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Omar Wadley, a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge’s Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner contends that his claims are cognizable under the All Writs Act, 28 U.S.C. § 1651, and common law. The All Writs Act is a source of authority for issuing writs in situations not covered by statute. *Carlisle v. United States*, 517 U.S. 416, 429

(1996). Because there is statutory authority for attacking a federal conviction and sentence, the All Writs Act and common law avenues of relief are not available to petitioner. *See Polley v. Jeter*, 202 Fed.Appx. 806, 806 (5th Cir. Oct. 24, 2006).

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 14th day of December, 2011.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE